

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 878 OF 2020

Karan Balu Shinde	.. Applicant
V/s.	
The State of Maharashtra	..Respondent

Mr. Satyavrat Joshi, for the Applicant.
Ms. M. H. Mhatre, APP for the Respondent-State.

**CORAM : C.V. BHADANG, J.
DATE : 4th DECEMBER, 2020**

P.C.

. The applicant (accused No.4) alongwith co-accused is facing prosecution for the offence under Section 302, 120-B, 143, 147, 149, 323, 324, 341, 427, 504, 506 of the IPC read with Section 4 and 25 of the Arms Act and Section 37(1),(3) and 135 of the Maharashtra Police Act.

2. The prosecution case as disclosed from the complaint lodged by Mahendra alias Balasaheb Bhokare is that the daughter of the complainant was taking education in Malu High School in third standard. One Nihal Sayyad who was working in the floor mill of the complainant, used to drop and fetch back the daughter of the

complainant from school on a motorcycle. On 22/9/2017, the deceased Shakil Makandar informed the complainant that since last four days some boys from Sawant plot were obstructing and threatening Nihal Sayyad as to why he was dropping the daughter of the complainant in the school.

3. It appears that the complainant went to the Police Station for reporting the matter to the police alongwith Akshay Shinde, Abhijeet Bhokare, Nihal Sayyad and the deceased Shakil Makandar. It is said that at about 1.30 p.m. when they were returning home, the accused Siddharth Kamble, Saurabh Shitole, Imran Auti and Rahul Patil obstructed the motorcycle of the complainant and it is alleged that Siddharth Kamble tried to assault the complainant with an iron rod and in a attempt to ward it off, the complainant received an injury to his hand. It is said that accused Siddharth Kamble, Saurabh Shitole, Imran Auti and Rahul Patil had assaulted Abhijeet Bhokare, Akshay Shinde and the deceased Shakil Makandar with fist and kick blows. Insofar as the present applicant is concerned, he is alleged to have arrived at the spot subsequently alongwith Sachin Sawant, his driver Gaurav, Nagesh Aaidale, Shyam Hattikar, Shadab Inamdar and 4-5 other unidentified persons. The allegation against the present applicant is that he assaulted the deceased by kicks and

fist blows. It appears that in the incident Shakil Makandar received injuries to which he succumbed.

3. I have heard the learned counsel for the applicant and the learned APP. With the assistance of the learned counsel for the parties, I have gone through the record.

4. The learned counsel for the applicant pointed out that co-accused Saurabh Shitole and Imran Auti have been released on bail by this Court vide order dated 22/8/2019 in BA No.727/2019 and order dated 20/12/2019 in BA No.2547/2019. The learned counsel for the applicant sought parity with the said two accused.

5. The learned APP tried to make a distinction by submitting that the allegation against the accused Saurabh Shitole and Imran Auti are of assault by fist and kicks blows to Abhijeet Bhokare and Akshay Shinde, while the allegation against the present applicant is of assault by fist and kicks blows on the deceased.

6. Prima facie, the contention in my considered view cannot be accepted. The perusal of the complaint dated 22/9/2017 shows that even Saurabh Shitole and Imran Auti are alleged to have assaulted

the deceased Shakil Makandar by fist and kicks blows. On a similar ground, the co-accused Saurabh Shitole and Imran Auti have been directed to be released on bail as noticed earlier. In my considered view, the applicant is entitled to parity.

7. In that view of the matter, the following order is passed

ORDER

(a) The applicant Karan Balu Shinde is directed to be released on bail in connection with C.R.No.248 of 2017 registered with Vishram Baug Police Station, District- Sangli on furnishing a P.R. bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(b) The applicant shall report to Vishram Baug Police Station, Sangli on 1st Monday of every month between 10:00 a.m. to 11:00 a.m.

(c) The applicant shall not enter Ganesh Nagar area, District Sangli until further orders.

(d) The applicant shall not interfere with the first informant and/or other witnesses in any manner and/or tamper with the evidence in any manner.

(e) The applicant shall furnish his permanent address to the concerned Court.

(f) Bail bonds to be furnished before the learned Sessions Judge.

C.V. BHADANG, J.